

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,
4 Plaintiff,
5 v.
6 JONATHAN NAGEL,
7 Defendant.
8

Case No. 2:21-mj-00992-VCF

FINDINGS AND ORDER

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10 Based on the pending Stipulation between the defense and the government, and good
11 cause appearing therefore, the Court hereby finds that:

12 1. The parties desire to continue the preliminary hearing to facilitate pre-
13 indictment resolution, and the government will be providing defense counsel with limited
14 Rule 16 discovery for that purpose. Defense counsel will need additional time to review the
15 discovery and discuss the case with her client prior to a preliminary hearing or indictment.
16 The Court finds good cause to continue the hearing to allow the parties to reach a pre-
17 indictment resolution.
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19 2. Both counsel for defendant and counsel for the government agree to the
20 continuance.

21 3. Defendant Jonathan Nagel is not in federal custody and agrees with the need for
22 the continuance. He is currently in state custody but it is anticipated that he may be released in
23 the future.
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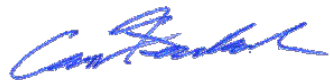
1 4. The continuance is not sought for the purposes of delay, but to allow defense
2 counsel an opportunity to examine the merits of this case before a potential resolution can be
3 reached between the parties.

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5 5. Denial of this request could result in a miscarriage of justice, and the ends of
6 justice served by granting this request outweigh the best interest of the public and the
7 defendant in a speedy trial.

8 6. The additional time requested by this stipulation is excludable in computing
9 the time within which indictment must be filed pursuant to the Speedy Trial Act, 18 U.S.C. §
10 3161(b), and considering the factors under 18 U.S.C. § 3161(h)(7)(A) and (B)(i) and (iv).

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12 IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled for
13 Friday, December 17, 2021 at 4:00 p.m., be vacated and continued to February 16, 2022, at
14 the hour of 4:00 p.m.; or to a time and date convenient to the court.

15 DATED this 9th day of December, 2021.

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19 HONORABLE CAM FERENBACH
20 UNITED STATES MAGISTRATE JUDGE
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